

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REBECCA BROWN and AUGUST
TERRENCE ROLIN, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

TRANSPORTATION SECURITY
ADMINISTRATION, *et al.*

Defendants.

Civil Action No. 2:20-CV-00064-LPL

CONSENT MOTION FOR EXTENSIONS OF TIME

Plaintiffs Rebecca Brown and August Terrence Rolin, on behalf of themselves and all others similarly situated, respectfully move for an extension of time to July 17, 2020, to file a First Amended Complaint or to oppose Defendants' respective motions to dismiss. This is Plaintiffs' first request for an extension of time. All Defendants have consented to this motion.¹

1. On May 29, 2020, Government Defendants² and Individual Defendant³ filed their respective motions to dismiss Plaintiffs' Complaint. *See* Dkt. 33–34, 35–37.

2. Pursuant to the Court's Practices and Procedures § II(D), Plaintiffs' oppositions to Defendants' motions to dismiss are currently due on or before June 19, 2020.

3. In the alternative, pursuant to Fed. R. Civ. P. 15(a)(1)(B), Plaintiffs may file an amended complaint on or before June 19, 2020 "as a matter of course."

¹ Defendants consented on the condition that their deadlines to respond to an amended complaint be extended by four weeks. Plaintiffs consent to Defendants' conditions, as explained below.

² Transportation Security Administration, TSA Administrator David P. Pekoske, Drug Enforcement Administration, DEA Acting Administrator Uttam Dhillon, and United States of America.

³ DEA Agent Steve, Last Name Unknown.

4. To file an amended complaint after June 19, 2020, Plaintiffs need “the opposing part[ies’] written consent or the [C]ourt’s leave.” Fed. R. Civ. P. 15(a)(2).

5. On June 5, 2020, Plaintiffs’ counsel requested by email that counsel for Government Defendants and Individual Defendant, respectively, consent to extend Plaintiffs’ deadline to amend the Complaint or to oppose their motions to dismiss by four weeks, up to and including July 17, 2020.

6. On June 5, 2020, Counsel for Government Defendants and Individual Defendant both consented by email to a July 17, 2020 deadline for Plaintiffs to file an amended complaint or to oppose their motions to dismiss, each on the condition that Plaintiffs would consent to a corresponding four-week extension to respond to an amended complaint. Plaintiffs’ counsel consented to the requested conditions.

7. Absent the aforementioned extension, pursuant to Fed. R. Civ. P. 15(a)(3), Defendants’ deadline to respond an amended complaint would be July 31, 2020. Pursuant to Plaintiffs’ consent to a four-week extension, that deadline would be August 28, 2020.

8. Accordingly, Plaintiffs respectfully request that the Court enter the attached Proposed Order, whereby (1) Plaintiffs’ deadline to file an amended complaint or to oppose Defendants’ motions to dismiss will be July 17, 2020, and (2) Defendants’ deadline to respond to an amended complaint will be August 28, 2020.

9. To the extent a showing of “reasonableness” is required for Plaintiffs’ requested four-week extensions pursuant to the Court’s Practices and Procedures § III(A)(5) or the Court’s leave is required pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiffs respectfully submit the following circumstances for the Court’s consideration:

- a. Plaintiffs' counsel are currently working remotely due to the COVID-19 pandemic, and must coordinate entirely by electronic means;
- b. One of Plaintiffs' counsel is currently battling a serious, undiagnosed respiratory illness that requires regular visits to various medical specialists;
- c. Plaintiffs' counsel have briefing and filing deadlines in other cases close in time to Plaintiffs' deadlines in this case;
- d. Government Defendants' counsel conferred with Plaintiffs' counsel for the first time regarding the contents of Government Defendants' motion to dismiss the Complaint in the morning of the motion's due date, May 29, 2020; and
- e. Plaintiffs have consented to all of Defendants' requests for extensions of time, *see* Dkt. 22, 26, 29.

Dated: June 9, 2020.

Respectfully submitted,

/s/ Dan Alban

Dan Alban*

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INSTITUTE FOR JUSTICE

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**Admitted Pro Hac Vice*

CERTIFICATE OF CONFERENCE

I hereby certify that, on June 5, 2020, I conferred with counsel for Defendant Steve “Last Name Unknown” and counsel for Defendants Transportation Security Administration, TSA Administrator David P. Pekoske, Drug Enforcement Administration, DEA Acting Administrator Uttam Dhillon, and United States of America by email seeking their consent to this Motion for Extension of Time. Defendants’ counsel respectively consented by email on June 5, 2020, on the agreed-to condition that Plaintiffs would consent to a four-week extension for Defendants to respond to an amended complaint.

/s/ Dan Alban

CERTIFICATE OF SERVICE

I hereby certify that, on this 9th day of June, 2020, a true and correct copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF System, which will send a notice of electronic filing to all counsel of record.

/s/ Dan Alban